

Nathaniel Simpkins
64247-004
Federal Medical Center
P.O. Box 14500
Lexington, KY 40512

In Propria Persona

Under Protest, Necessity, and
By Special Visitation Only
**DEMAND A TRIAL BY JURY
AND A WRIT OF HABEAS CORPUS AD PROSEQUENDUM
SO THE PLAINTIFF CAN BE PRESENT FOR ALL HEARINGS
CONCERNING THIS CASE.**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(MIAMI)**

Nathaniel Simpkins
Plaintiff,

**PURSUANT to 5 U.S.C. § 552 (a)
(4)(B). Freedom of Information
act.**

V.

United States Department of Justice,
United States Judiciary
Defendant, _____/

COMPLAINT

The United States Department of Justice Has Violated the
plaintiffs right to due process by not allowing the plaintiff access
to information that the plaintiff has a constitutional right too.
The plaintiff is asking this court for judicial review in this court
to find out weather or not the Department of justice delibrately
withheld information from the court, and what was the content of
the information that was destroyed if thats possible. Please see
the documents from the department of information policy in reference
to why this lawsuit is timely.

5/24/12

Date _____ 2012

[Signature]
422087

Exhibit 6-27-2014

[Signature]

RESPECTFULLY SUBMITTED

[Signature]

Nathaniel Simpkins



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

SEP 14 2011

Mr. Nathaniel Simpkins
Register No. 64247-004
Federal Medical Center
Post Office Box 14500
Lexington, KY 40512

Re: Appeal No. AP-2011-01963
Request No. 11-656
CAS:CDW

Dear Mr. Simpkins:

You appealed from the action of the Executive Office for United States Attorneys (EOUSA) on your request for access to certain photographs and a police report associated with your criminal case located in the Southern District of Florida.

After carefully considering your appeal, I am affirming EOUSA's action on your request. EOUSA informed you that it could locate no records responsive to your request. EOUSA further advised you that the file containing the records that might have been responsive to your request was purged on August 29, 2007 in accordance with the District's records retention policies and departmental regulations. I have determined that EOUSA's response was correct. Because certain records may have been destroyed, EOUSA was unable to determine whether they would have been responsive to your request.

Additionally, it is likely that as part of the purging of its file, EOUSA returned investigatory records pertaining to your criminal case to their agency of origin. Accordingly, if you have not done so already, I suggest that you submit a request directly to the agency that conducted the underlying investigation.


With regard to your request that this Office obtain a certified affidavit from Judge Lenard, please be advised that the Freedom of Information Act does not require federal agencies to answer questions or create records in response to a FOIA request, but rather is limited to requiring agencies to provide access to reasonably described, nonexempt records. See NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 162 (1975); Zemansky v. EPA, 767 F.2d 569, 573 (9th Cir. 1985).

Please be advised that this Office's decision was taken only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the actions of EOUSA in response to your request.

-2-

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

for 

Janice Galli McLeod
Associate Director



U.S. Department of Justice

Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N.W., Suite 7300, Bicentennial Building
Washington, DC 20530-0001
(202) 616-6757 FAX: 616-6478 (www.usdoj.gov/usao)

Requester: Nathaniel Simpkins

Request Number: 11-656

Date of Receipt: February 24, 2011

19 APR 2011

Subject: Self / Specific Recs

Dear Requester:

In response to your Freedom of Information Act and/or Privacy Act request, the paragraph(s) checked below apply:

1. ☐ A search for records located in EOUSA - has revealed no responsive records regarding the above subject.
2. ☒ A search for records located in the United States Attorney's Office(s) for the **Southern District of Florida** has revealed no responsive records regarding the above subject. ***The District has informed us that your file was purged and records destroyed according to Southern District of Florida guidelines.***
3. ☐ After an extensive 2 hour search, the specific records which you have requested cannot be located.
4. ☐ Your records have been destroyed pursuant to Department of Justice guidelines.
5. ☐ Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

This is the final action on this above-numbered request. You may appeal this decision on this request by writing within 60 days from the date of this letter to the **Office of Information Policy, United States Department of Justice, 1425 New York Avenue, Suite 11050, Washington, D.C. 20530-0001**. Both the letter and envelope should be marked "FOIA Appeal." If you are dissatisfied with the results of any such administrative appeal, judicial review may thereafter be available in U.S. District Court, 28 C.F.R. §16.9.

Sincerely,


Susan B. Gerson
Acting Assistant Director